

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DECAR PEDROZA and JOSHUA CADIZ,

Plaintiffs,

-against-

NEW YORK CITY, LT JEROME A. ARICO,  
DETECTIVE AGAPITO SOLER, LT RICHARD  
LeGRAND, DETECTIVE WILLIAM WASSON and  
UNDIDENTIFIED NEW YORK CITY POLICE  
OFFICERS,

Defendants.  
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**STIPULATION AND ORDER  
OF SETTLEMENT AND  
DISCONTINUANCE AS TO  
PLAINTIFF DECAR  
PEDROZA**

05-CV-4933 (GEL)

**WHEREAS**, plaintiffs Decar Pedroza and Joshua Cadiz<sup>1</sup> commenced this action,

by filing a complaint in or about May 24, 2005 alleging that certain of their federal and state rights were violated; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiffs' allegations; and

**WHEREAS**, plaintiff Decar Pedroza and defendants now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

**WHEREAS**, no party herein is an infant or incompetent for whom a committee has been appointed; and

**WHEREAS**, plaintiff Decar Pedroza has authorized counsel to settle this matter as against defendants on the terms enumerated below:

<sup>1</sup> Plaintiff Joshua Cadiz and defendants reached a settlement on or about August 3, 2006 and the Settlement Stipulation was filed with the Court on or about August 9, 2006.

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED,** by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed as against defendants with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff Decar Pedroza the sum of **Seventy Five Thousand Dollars (\$75,000)** in full satisfaction of all claims as against defendants, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff Decar Pedroza agrees to dismissal of all the claims against defendants, City of New York, Jerome Arico, Agapito Soler, Richard LeGrand, William Wasson, and "unidentified New York City Police Officers," and to release defendants, any present or former employees or agents of the New York City Police Department and the City of New York, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney's fees.

3. Plaintiff Decar Pedroza shall execute and deliver to the City defendants' attorney all documents necessary to effect this settlement, including, without limitation, releases based on the terms of paragraph "2" above, and Affidavit Concerning Liens on behalf of plaintiff Decar Pedroza.

4. Other than as set forth in paragraph "2" above, plaintiffs and their counsel, or any party in privity with either of them, shall have no recovery for any damages, injury, equitable or other relief, or fees or costs in connection therewith.

5. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of

the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
August 11, 2006

Mr. Fred Lichtmacher, Esq.  
Attorney for Plaintiffs  
60 East 42<sup>nd</sup> Street, Suite 2001  
New York, New York 10165

By: [Signature]  
FRED LICHTMACHER, ESQ. (FL5341)

MICHAEL A. CARDOZO  
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City of New York  
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New York, New York 10007  
(212) 676-1347

By: [Signature]  
BROOKE BIRNBAUM (BB 8338)  
Assistant Corporation Counsel

SO ORDERED:

[Signature]  
U.S.D.J.  
8/17/06